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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,844	04/18/2001	Adrian Yap	PD-200297	3966
20991 7590 03/17/2009 THE DIRECTV GROUP, INC. PATENT DOCKET ADMINISTRATION CA / LA1 / A109 2230 E. IMPERIAL HIGHWAY EL SEGUNDO, CA 90245				
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RAMAN, USHA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/837,844

Applicant(s)

YAP ET AL.

Examiner

USHA RAMAN

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 110-127 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 110-127 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 23rd 2009 has been entered.

Response to Arguments

2. Applicant's arguments filed January 23rd 2009 have been fully considered but they are not persuasive.

Applicant's arguments (see Remarks page 6) stating that, "the cited references do not disclose at least the limitations of activating a previously selected user identified preference to selectively erase the current recording of a program that is identified as duplicate" because (see Remarks page 7) "Orr....teaches automatic erasure of a program" and therefore (see Remarks page 7) "[t]here are no user identified preferences taken into account". The limitation of "current recording" in its broadest reasonable interpretation can refer to a current recording operation. In light of such an interpretation, the system of Orr discloses the step of aborting the current recording operation when a duplicate is identified and terminating the recording operation as such. This reads on the claimed "erase the current recording of a program that is identified as a duplicate". Furthermore newly cited Wood references

discloses that user can set in various preferences for recording recurring type episodes. In particular user can set a preference to record only previously non-recorded programs. The combination accordingly yields a system wherein a user identifies a preference to record only non-recorded programs. When a record operation is initiated, the system tracks for duplicates and in the event duplicate is identified terminates the current recording operation based on user's preference for recording a non-recorded program.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 110-113, 117-122 and 126-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO 92/22983) in view of Wood et al. (US PG Pub. 2002/0057893) and Orr (US Pat. 6,760,535).

With regards to claims 110 and 119, Browne discloses an apparatus and a method of processing available content, comprising:

Receiving the available content using one or more tuners (page 9, lines 21-26);
and

Performing a plurality of operations on the available content received from the one or more tuners, the plurality of operations including selecting at least one recorded event from the available content based on thumbnail, preview, or snippet (see page 30, lines 20-33 and fig. 11);

Browne is however silent on the step tracking a list of recorded programs for duplicates when a record operation is initiated and activating a previously selected user identified preference to selectively erase the current recording of a program that is identified as a duplicate.

In an analogous art, Wood discloses a method of recording, wherein a user can specify a rerun preference when recording programs. User can accordingly indicate a preference as to whether reruns are to be recorded, whether syndicated reruns are to be recorded, whether previously viewed/recorded shows should be recorded, etc. See [0103].

Orr further discloses a method of tracking a list of recorded programs for duplicates when a record operation is initiated in order to identify a current recording as a duplicate. See column 7 lines 13-25. Orr discloses the method of aborting the current recording of the program when an occurrence of the program already exists on storage, thereby preventing a user from recording duplicates of the same program. In aborting the current recording of the program, the current recording of the program is terminated and therefore erased. One of ordinary skill in the art would particularly find such a method advantageous when a user initiates a record

operation while viewing live television, as disclosed by Browne (see page 32, lines 25-27), so that the system can check for duplicates when this operation is initiated.

It would have been obvious to one of ordinary skill in the art to modify the system of Brown in view of teachings of Wood and Orr so to allow a user to activate a preference for recording a recurring series without storing duplicates of the program. Such a modified system further extends to scenarios when a user initiates a record operation on a program that is currently airing, and the system checks to see if an instance of this program already exists in storage. When the system identifies that the program already exists in storage (i.e. program has already been recorded), the system selectively aborts (and therefore erases) the current recording of the program that is identified as a duplicate based on previously selected user identified preference (i.e. record only previously not viewed/recorded shows).

With regards to claims 111, and 120, Browne teaches selecting at least one recording from the available content based on keyword (see page 30, lines 10-27 and fig. 11). The modified system therefore additionally teaches the step wherein, "performing a plurality of operations includes selecting at least one recorded event from the available content based on key word".

With regards to claims 112, and 121, the modified system further comprises wherein the selecting is achieved by a user browsing through information related to the available content stored on at least one storage medium. See Brown: page 30, lines 5-13.

With regards to claim 113 and 122, the modified system discloses the step of checking for characteristics of duplicates when attempting to record a program from available content that has already been recorded on the storage medium (Orr: column 7 lines 15-21). The modified system further discloses the step of displaying recorded contents and contents being recorded (see Browne page 24, lines 18-23 and figure 6) in storage section are displayed. Therefore it would have been obvious to one of ordinary skill in the art to further modify the system by displaying the characteristics of the selected program to record with a best match in the at least one storage for a visual comparison by the user.

With regards to claim 117 and 126, Browne discloses that users maybe provided a plurality of playback controls as depicted in figure 14, panel 1405. Among the controls provided in the aforementioned panel is an option widely recognized in the art as the rewind control (a). The "increment" is further understood to be the time that a user performs the rewind operation until he/she resumes normal playback. As such the modified system further comprises performing a plurality of operations including "permitting a user to rewind recording in an increment for playback of a portion of the available content".

With regards to claims 118 and 127, Browne discloses creating a personalized database from the available content, wherein the contents maybe personalized to each user 's preferences (see page 26 lines 18-29).

5. Claims 114-116, and 123-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO 92/22983) in view of Wood et al. (US PG Pub. 2002/0057893) and Orr (US Pat. 6,760,535) as applied to claims 110 and 119 respectively above, and further in view of Vallone et al. (US Pat. 6,847,778)

With regards to claims 114, 115, 116, and 123, 124, and 125, the modified system does not disclose the step of displaying status of a program including a current delay that allows the user to see how far a recording is behind live feed when pausing a live signal.

In an analogous art, Vallone discloses the step of when viewing a program at it is being recorded, further displaying a trick play bar and cache bar overlaid on the screen to give an indication of visual reference points to notify the user where the live recording is at (cache bar) and where the current slider is at when the user pauses live signal. See figure 26 and description in column 18, lines 39-44, lines 55-61, and column 19, lines 60-65.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system in view of Vallone by displaying a current delay that allows the user to see how far a recording is behind live feed when pausing a live signal. The motivation is to give the user a visual reference point on the current viewing location of the program.

With further regards to claims 114 and 123, the system as modified above displays a status (cache bar) of a program from the available content wherein a user is currently viewing the program.

With further regards to claims 115, 116, 124 and 125, the status includes at least one of current delay displayed in the cache bar that allows the viewer to see a delay between the recording and a live feed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Pat. 5,901,246 to Hoffberg et al. disclose a method to allow user to various occurrences of a program without duplicating episodes "to provide a full library of episodes". Hoffberg therefore discloses a method of checking for duplicates when recording a program. See column 79, lines 1-7 and column 81 lines 61-63, line 67-column 82 line 1.

US PG Pub. 2008/0184313 to Knudson et al. discloses various preference configurations user can specify for series recording (see fig. 11).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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